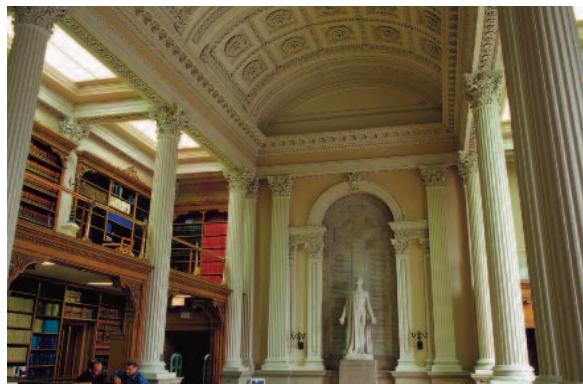




LET RIGHT PREVAIL

**The Law Society of
Upper Canada**

**Barreau
du Haut-Canada**



2009 Annual Report Performance Highlights

THE LAW SOCIETY OF UPPER CANADA

Mandate

The Law Society of Upper Canada regulates the lawyers and paralegals of Ontario in the public interest. The Law Society ensures that every individual who practises law or provides legal services in Ontario meets standards of learning, professional competence and professional conduct that are appropriate for the legal services provided.

The Law Society has a duty to protect the public interest, to maintain and advance the cause of justice and the rule of law, to facilitate access to justice for the people of Ontario, and to act in a timely, open and efficient manner.

Mandate

Performance Highlights

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TREASURER'S MESSAGE

Professionalism is fundamental to the administration of justice

The mandate of the Law Society includes the duty to maintain and advance the cause of justice and the rule of law, and to facilitate access to justice for the people of Ontario. Access to justice is a fundamental right in a democratic society – a right that can only be ensured where the administration of justice is both efficient and respected.

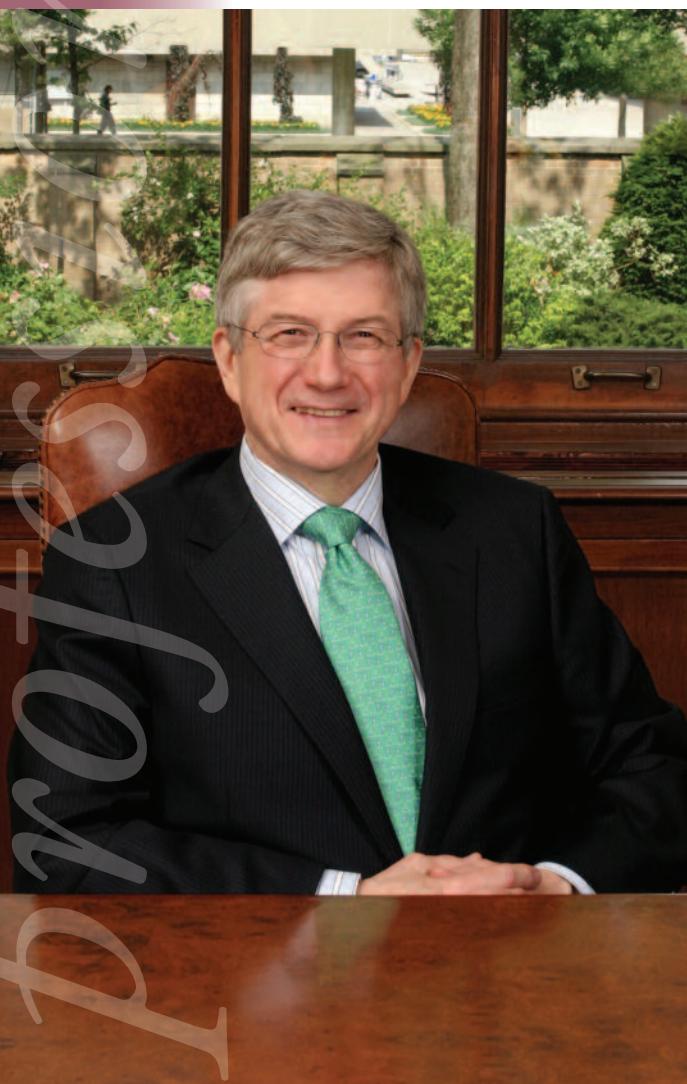
Professionalism is fundamental to the administration of justice. The attitudes and behaviour of lawyers and paralegals have a profound effect not only on how the system operates, but also on the public's confidence in the system. If we are uncivil or unprofessional, citizens will question whether our institutions deserve their respect, and the system will operate less efficiently and less effectively, resulting in greater costs for clients. The challenge facing all of us is to improve public trust in lawyers, paralegals and the justice system as a whole.

Civility is one of the cornerstones of professionalism. The rules of professional conduct that govern both lawyers and paralegals clearly set out our obligation to treat our clients, colleagues and members of the judiciary with candour, fairness and courtesy. Despite this, complaints to the Law Society related to incivility have increased from 11 per cent of all complaints received in 2004 to 35 per cent in 2009. Both the Honourable Coulter Osborne's 2007 report on the *Civil Justice Reform Project* and the 2008 *Report of the Review of Large and Complex Case Procedures* by the Honourable Patrick LeSage, Q.C., and the Honourable Mr. Justice Michael Code addressed this increase in incivility among legal service providers.

Civility Complaints Protocols

Over the past year, the Law Society has developed and implemented a plan to promote effective exchanges of information between the Law Society and the judiciary. The Civility Complaints Protocols were introduced in September 2009, providing mechanisms for judges and justices of the peace to refer to the Law Society incidents of inappropriate conduct on the part of lawyers and paralegals appearing in their courts. These protocols also provide a new process whereby referred lawyers can receive mentoring from senior members of the bar.

I would like to thank Chief Justice Winkler, Chief Justice Smith and Chief Justice Bonkalo for working with the Law Society to develop the Civility Complaints Protocols. I would also like to thank The Advocates' Society, the Criminal Lawyers' Association, the Ontario Crown Attorneys' Association, the Association of Law Officers of the Crown and the deputy attorney general for providing the mentoring services of



experienced advocates from their organizations. The ongoing collaboration of key stakeholders in the administration of justice on the issue of civility is an important aspect of enhancing the administration of justice.

The Civility Forum

From November 2009 to February 2010, I conducted the *Civility Forum*, a series of 11 meetings with lawyers, paralegals and members of the judiciary across the province to discuss civility and the importance of professionalism.

More than 800 people attended these sessions, each of which featured lively and insightful discussions. What became quickly apparent was the commitment of those in the legal community to improving standards and developing strategies to combat incivility. By opening the conversation, we hope that those who attended the *Civility Forum* will continue the discussion in their offices, their practices, and in their relations with clients, colleagues and the courts.

Participants offered various reasons for the decline in civility, including the increased size and diversity of the bar that has led to fewer close personal relationships among professionals that traditionally helped maintain good standards of behaviour; the lack of mentoring opportunities afforded to younger practitioners; increasing demands from clients that exacerbate the stress involved in handling legal matters; and declining standards of civility in society generally.

Suggestions for how practitioners and the Law Society can respond to incivility included ideas for training, education and the provision of mentoring opportunities. Again, there are many legal organizations that are key stakeholders in the justice system with whom we will collaborate on initiatives as we go forward. I will report on my findings from the *Civility Forum* before the summer.

New continuing professional development (CPD) requirement

Another cornerstone of professionalism is competence. We have an obligation to provide competent services to our clients, and to stay current in our knowledge of substantive law and procedure, as well as practice management techniques and professionalism and ethics.

In October, Convocation approved a consultation on a continuing professional development (CPD) requirement for lawyers who practise law and paralegals who provide legal services (in the 100 per cent fee-paying category) of 12 hours per year, three hours of which must cover topics related to ethics, professionalism and practice management. The

consultation showed broad acceptance of the CPD requirement, including support from 27 institutional and legal organizations, including CDLPA, the OBA, LAWPRO, l'AJEFO and law firms that provide CPD. At February's meeting, Convocation approved the CPD requirement, which will come into effect in January 2011.

CPD requirements are not new to the legal profession nor to regulated professions generally. The public expects professionals to take measures to ensure life-long competence, and as the regulator, the Law Society supports this expectation. Indeed, as most of us already recognize the importance of CPD, this program strengthens the existing culture of continuous learning. This is a commitment to quality on the part of lawyers and paralegals that also reinforces public respect in the justice system.

To address the issues of accessibility and cost of fulfilling the CPD requirement, the program has been designed to be both flexible and cost-effective for practitioners, with a wide range of eligible activities. In addition, the Law Society will provide programming that will meet the professionalism and practice management component with no charge for program registration or materials fees.

Other measures we have taken to support professionalism include the new online *Professional Responsibility and Practice Course* for articling students and a requirement for new lawyers and paralegals to undertake 12 hours of CPD from accredited programs in each of the equivalent of their first two years of practice. We have also approved the Federation Task Force on the Canadian Common Law Degree recommendations for specified competencies that law graduates seeking to enter our licensing process will be expected to have acquired during law school, including an awareness of appropriate ethical values.

As my term as Treasurer draws to a close, I would like to take this opportunity to thank those who have worked with me over the past two years to further the Law Society's mandate to regulate the profession in the public interest, including my bencher colleagues, members of the Law Society staff and our many partners in the justice system. Such collaborations demonstrate the collective commitment to maintain and enhance a robust justice system and an independent bar.



W. A. Derry Millar
Treasurer



CHIEF EXECUTIVE OFFICER'S MESSAGE

Pursuing our goals through a challenging year

Course became available for licensing candidates. This online course is designed to enhance the training that candidates receive during articling by expanding their knowledge of lawyers' duties and approaches to analyzing common ethical and practical issues.

A three-day mandatory course for internationally trained common law candidates granted an exemption from articling based on previous experience was also launched this year, and sessions were held in May and December.

On the paralegal side, 11 colleges offering paralegal programs were accredited this year. In addition, auditing of the programs began to ensure that the curriculum, infrastructure and systems meet the accreditation criteria. Post-licensing, practice audits for paralegals were introduced, mirroring practice management reviews for lawyers.

Priority 2: Professional regulation, particularly the efficiency and transparency of the discipline process and quality assurance

Our regulatory function is our core mandate and it is imperative that we regulate the profession to protect the public, in a timely, transparent and effective manner. This is a significant undertaking with 41,000 lawyers and 2,700 paralegals.

Our Professional Regulation Division experienced an increased volume of complaints largely as a consequence of our new mandate to regulate paralegals and an expected increase in complaints about the unauthorized practice of law or provision of legal services. In addition, a high volume of good character investigations required as a consequence of the grandparenting of paralegal licensing applicants contributed to increased workload.

Complaints Resolution and Investigation made significant inroads into outstanding caseloads from earlier periods. This sets us up well to make an even greater impact on our outstanding complaint count and time lines. I was also pleased to see our ability to better protect the public improved by the increase in interlocutory suspensions of those members who are seen to pose a significant risk of harm to the public or the administration of justice.

Despite uncertain economic conditions, our strong financial position enabled us to work on a number of new initiatives this year, in addition to focusing on our core responsibilities. These include activities to promote professional competence, standards of civility, professionalism and access to justice, as well as support for sole and small practitioners and paralegal regulation.

I have summarized below the highlights of our activities as they relate to the Law Society's priorities established by Convocation. Further details of these activities can be found in the departmental reports that follow.

Priority 1: Maintain high standards and ensure effective competence, provide quality assurance of post-licensing competence and access to quality improvement programs

Highlights of this year include improvements to our licensing process. In August, the *Professional Responsibility and Practice*

Priority 3: Access to justice

There have been a number of initiatives this year in support of our mandate to ensure an open and accessible justice system, particularly in relation to the promotion of civility and professionalism. In September, the Civility Complaints Protocols were developed with the Ontario Courts, to facilitate the referral of complaints to the Law Society by judges who have concerns about the behaviour of lawyers and paralegals in court. The Treasurer's *Civility Forum* was launched in November, which comprised 11 meetings across the province to discuss the importance of civility and measures that can be taken to raise standards of behaviour. Meetings were attended by lawyers, paralegals, students and members of the judiciary.

Working with the Alliance for Sustainable Legal Aid, the Law Society supported the work of the attorney general in securing extra funding for Legal Aid Ontario. In addition, our work continued on the Ontario Civil Legal Needs Project to identify the legal needs of low and middle income Ontarians and how they can be met. Finally, access to the Lawyer Referral Service was made free for all callers.

Priority 4: Diversity within the legal profession

Over 55 firms have committed to the Justicia Project, and have met regularly throughout the year to share best practices and develop policies with respect to parental leave and flexible work arrangements, as well as mentoring, leadership and networking opportunities for women. Another retention of women pilot project was launched in April – the Parental Leave Assistance Program – and more than 50 applications from both men and women have been approved.

Two initiatives were introduced this year that will enable us to gather demographic information to support our planning of programs: a change of status survey and a self-identification question on the Lawyer and Paralegal Annual Reports. The *Aboriginal Consultation Report* was presented in January and the Aboriginal Working Group is implementing its proposals, including improving mentoring and networking for Aboriginal lawyers and the development of CLE, as well as specialist certification, in Aboriginal law.

Priority 5: Small firms and sole practitioners

In addition to the Parental Leave Assistance Program, other initiatives were launched to support sole and small practitioners. These include the Contract Lawyers' Registry, a searchable database of lawyers who can assist sole or small firm practitioners on a short-term or contract basis, and the Articling Registry, a recruitment and job search tool

for law firms, legal organizations, law students and licensing candidates. The registry will help small firms outside of major centres to connect with students who are interested in articling positions. An online Succession Planning Toolkit was developed and is available on the Law Society website to help practitioners plan for retirement or practice transition.

Priority 6: Paralegal regulation

The *Report to the Attorney General of Ontario on the Implementation of Paralegal Regulation in Ontario* was presented to the attorney general in January, and tabled in the Ontario legislature in March. The regulation of paralegals has been highly successful, with regulations and processes now firmly embedded in Law Society structures – by year end there were 2,718 licensed paralegals, a number well beyond our expectations. As noted above, the accreditation of colleges offering paralegal courses has proceeded, as has the auditing of the programs. Paralegal practice audits were introduced, and are designed to support the goals of paralegals to be effective and competent practitioners, by providing specific advice on setting and meeting best practices expectations.

In the last quarter of the year, preparations were underway for the first ever election of members of the Paralegal Standing Committee. Nominations closed in January 2010 and a total of 39 candidates were vying for five positions on the committee. Of these five, two will be elected to serve as benchers. Through the Paralegal Standing Committee, paralegals have a prominent role in the governance of their profession.

Priority 7: Strategic communications, through effective media relations, the measurement of public opinion and attitudes, and proactive communication

We undertook proactive communications planning for major corporate initiatives this year, including the Treasurer's *Civility Forum*, the Retention of Women in Private Practice recommendations, paralegal regulation and the paralegal election, and the Ontario Civil Legal Needs project. Surveys of the public and lawyers were undertaken in order to identify opportunities to increase the effectiveness of our communications vehicles. Findings from the surveys informed the redesign of public brochures, and the introduction of an electronic newsletter to lawyers and paralegals reporting Convocation news.

Priority 8: Governance structure

In December, Convocation approved the Governance Task Force's recommendations to introduce a 12-year term limit for elected benchers; reduce the number of unelected benchers by

ending *ex officio* status for life benchers, former Treasurers and former attorneys general; and introduce an *emeritus* bencher status for former Treasurers, former attorneys general and benchers who reach the term limit. *Emeritus* benchers would be eligible for appointment to committees and the Hearing Panel, but would not participate in Convocation.

2010 Budget

In planning this year's budget, we were mindful of the global economic conditions under which we all operate. We were pleased to propose a budget with only modest fee increases for both lawyers and paralegals, while maintaining licensing process fees. Our core responsibilities in professional regulation, professional development and competence, and policy development are fully funded, while allowing for increased regulatory volumes, expanded practice audit programs and support for practitioners.

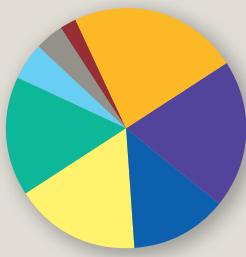
The year ahead

I speak for all Law Society staff when I say that we have enjoyed working with Treasurer W. A. Derry Millar over his term of office, and we look forward to developing the important initiatives that he has introduced in continuing professional development and civility. I would also like to thank our retiring Complaints Resolution Commissioner, Clare Lewis, Q.C., for his work over the last five years and his observations and suggestions which have helped us improve our complaints process. Finally, I will continue to rely on the commitment of the management team and staff as we work to ensure excellence in the provision of legal services and access to justice for the people of Ontario.



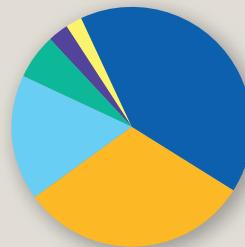
Malcolm Heins
Chief Executive Officer

Membership data



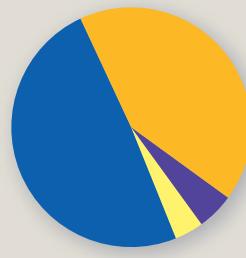
Lawyers by employment in Ontario

Sole practitioner	23%
Partner	20%
Associate	17%
Government	16%
Corporate counsel	5%
Employee	4%
Education	2%
Other (includes corporate and non-profit sectors)	13%



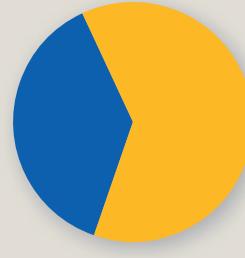
Paralegals by employment in Ontario

Sole practitioner	31%
Employee	17%
Government	6%
Partner	3%
Associate	2%
Other (includes corporate, non-profit and education sectors)	41%



Geographic distribution of lawyers

Metropolitan Toronto	49%
Ontario (excl. Metro Toronto)	42%
Canada (excl. Ontario)	5%
Outside of Canada	4%



Geographic distribution of paralegals

Ontario (excl. Metro Toronto)	63%
Metropolitan Toronto	37%

Lawyers by age and gender			
AGE	2007	2008	2009
Over 65			
Men	3,105	3,356	3,660
Women	195	226	284
50 to 65			
Men	9,147	9,336	9,463
Women	2,973	3,239	3,571
40 to 49			
Men	6,025	5,917	5,892
Women	4,325	4,468	4,567
30 to 39			
Men	5,210	5,245	5,271
Women	5,591	5,747	5,920
Under 30			
Men	963	978	1,026
Women	1,345	1,352	1,325
Total			
Men	24,450	24,832	25,312
Women	14,429	15,032	15,667
Total	38,879	39,864	40,979

Paralegals by age and gender			
AGE	2008	2009	
Over 65			
Men	65	80	
Women	5	7	
50 to 65			
Men	545	597	
Women	195	237	
40 to 49			
Men	310	355	
Women	322	368	
30 to 39			
Men	226	248	
Women	271	332	
Under 30			
Men	105	130	
Women	239	364	
Total			
Men	1,251	1,410	
Women	1,032	1,308	
Total	2,283	2,718	

Size of law firms		
	NO. OF FIRMS	NO. OF LAWYERS/ PARALEGALS IN THOSE FIRMS
Sole practitioner	7,765	7,765
2 to 10 lawyers	1,985	6,545
11 to 25 lawyers	162	2,513
26 to 50 lawyers	38	1,314
51+	30	4,476
Total	9,980	22,613

	NO. OF FIRMS	NO. OF PARALEGALS IN THOSE FIRMS
Sole practitioner	833	833
2 paralegals	83	166
3 paralegals	23	69
4 paralegals	5	20
5 paralegals	4	20
6 to 10 paralegals	6	47
Total	954	1,155

Policies to advance our mandate



The Law Society held a reception on March 30 to mark the tabling of its *Report to the Attorney General of Ontario on the Implementation of Paralegal Regulation in Ontario* in the provincial legislature, and to celebrate the success of paralegal regulation in Ontario.

From left to right: William J. Simpson, Q.C., LSM, bencher and chair of the Paralegal Task Force; Marion Boyd, lay bencher member of the Paralegal Standing Committee; the Honourable Mr. Justice Frank N. Marrocco, former Treasurer of the Law Society; Law Society Treasurer W.A. Derry Millar; the Honourable Chief Justice Heather J. Smith, Superior Court of Justice; Paul Dray, paralegal bencher and first chair of the Paralegal Standing Committee; and the Honourable Christopher Bentley, Attorney General of Ontario.

The Policy Secretariat provides support to benchers in their policy-making role, acting as secretaries to Convocation's standing committees, task forces and working groups.

Depending on the nature of the policy under development, policy counsel may:

- Research the history of the policy and related policies
- Determine how other law societies and professional regulators in Canada and internationally have dealt with the issue
- Consult with stakeholders, including the profession, legal organizations and government.

Policy counsel also draft submissions to government and other bodies in response to proposals. In addition, they review draft legislation and, if relevant, bring it to the attention of Convocation for response.

Regulation of paralegals and lawyers

A large part of the Policy Secretariat's work in 2009 related to the regulation of paralegals and lawyers, including:

- The development of a proposal for a continuing professional development requirement for lawyers and paralegals
- Amendments to the client identification and verification requirements set out in By-Law 7.1
- Amendments to update and clarify certain *Rules of Professional Conduct*
- Amendments to By-Law 7 to make the rules related to names for professional corporations and names for firms consistent
- Consideration of proposed amendments to Rule 6.03(9) governing communication with represented organizational parties, following a call for input
- The development and implementation of the paralegal election process
- An extensive review of the exemption categories in paralegal regulation, including a comprehensive consultation process
- The development of a new set of Rules of Practice and Procedure governing the Law Society's hearing process.

Governance

Policy counsel supported the work of the Governance Task Force throughout 2009. The Task Force consulted lawyers and paralegals throughout the province on governance principles and the effectiveness of the Law Society's governance structure, and formulated recommendations for changes to the structure of Convocation. The recommendations were adopted by Convocation in December 2009.

Federation of Law Societies of Canada

Staff in the Policy Secretariat also support the work of the Federation of Law Societies of Canada, which in 2009 included:

- The Task Force on the Canadian Common Law Degree
- Model Rules of Conduct to facilitate uniform professional conduct standards across Canada
- Harmonization of provincial rules regulating foreign legal consultants
- The Agreement on Internal Trade
- International Affairs Committee consultations with Trade Canada on the GATS and the WTO

- Monitoring of the implementation of the National Mobility Agreement, including implementation of mobility rules between the Barreau du Québec and the common law jurisdictions.

The Tribunals Office

The Tribunals Office is responsible for the efficient administration of the Law Society's tribunals – the Hearing and Appeal Panels. This includes the scheduling and clerking of hearings; review and service of orders; review, delivery and publication of reasons of the tribunals; and provision of support to adjudicators.

The volume of matters dealt with by the Tribunals Office in 2009 has grown from 2008 with 169 files opened compared to 122 in 2008, a 39 per cent increase. Law Society tribunals considered 144 hearings in 2009. Hearings were scheduled on 240 days, or on 96 per cent of available calendar days.

Staff in the Tribunals Office facilitated adjudicator education sessions on the new Rules of Practice and Procedure, and organized an orientation session for new lay, lawyer and paralegal adjudicators.

Government Relations

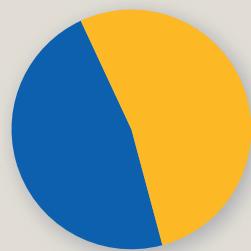
Staff in the Government Relations Unit build and maintain effective working relationships with all levels of government – federal, provincial and municipal. They anticipate, monitor and address government initiatives that may affect any part of the Law Society's mandate. Issues in 2009 included:

- Legal Aid Ontario funding and policies, including a response to the Attorney General's plan for the revitalization of legal aid in Ontario
- International and national mobility, including internationally trained individuals, General Agreement on Trade in Services, Trade, Investment and Labour Mobility Agreement, and Agreement on Internal Trade
- Real estate issues such as mortgage fraud prevention
- Monitoring of government reports and initiatives such as *Justice on Target*, the Fair Access to Regulated Professions Commission, and the *Accessibility for Ontarians with Disabilities Act, 2005*
- Management of the process for the Law Society's recommended appointments of individuals to various external organizations
- The Ontario Civil Legal Needs project
- Ongoing liaison with the provincial government on the progress of paralegal regulation.

PROFESSIONAL DEVELOPMENT AND COMPETENCE

Assuring competence and quality

The mandate of the Law Society is to ensure that Ontario lawyers and paralegals meet high standards of learning, competence and professional conduct. The Professional Development and Competence Department achieves this through a two-pronged approach: quality assurance programs and quality improvement activities. Quality assurance programs focus on ensuring compliance with established standards, while quality improvement activities involve developing tools to facilitate improved practices.



Candidates called to the bar in 2009

Women	815
Men	729
Total	1,544

Licensing process for lawyers

The Law Society's licensing process is comprised of an online *Professional Responsibility and Practice Course*, two separate licensing examinations (barrister and solicitor), and a ten-month articling term. In 2009, 1,544 lawyers were called to the Bar of Ontario.

Professional Responsibility and Practice Course

Following an extensive development and production process, the *Professional Responsibility and Practice Course* was launched in August 2009. This online course is designed to enhance the training and mentorship that candidates receive during articles by expanding their knowledge of lawyers' duties, tasks and challenges and by providing them with an approach for analyzing common ethical and practice dilemmas.

Organized into four modules – Professional Responsibility, Client Communication, Managing the Client File, and Practice Management – the course employs a variety of online learning formats including readings and videotaped vignettes, skills

The screenshot shows the Professional Responsibility and Practice Course website. At the top, there are links for 'My Profile', 'Logout', 'English | Français', 'Help', and 'Reset my password'. Below that is a video player showing a man in a suit speaking. The video caption reads: 'What advice would you give to new lawyers entering the practice of law on the importance of professionalism?' The video player has 'View transcript' and 'Text only | A' buttons. To the right of the video, there is a sidebar with 'Module 1 - Professional Responsibility' and 'Section: The Honourable Patrick Lesage Q.C.'. Below the sidebar are 'View Module Map' and 'Notes' buttons. The main content area has a 'Biography' section with text about Patrick J. Lesage, C.M., Q.C., and a 'Reading' section with a link to 'The Honourable Justice Stephen Coudge Q.C.'. At the bottom, there are 'Previous Section', 'Current Section', and 'Next Section' buttons, each with a link to a specific section of the course.

demonstrations, panel discussions and interviews with leading members of the bar and bench. Interactive exercises enable candidates to test their knowledge after completing each module.

The course is flexible enough to allow candidates to study on their own at any time or in the context of a scheduled group session with other articling candidates. Articling principals are responsible for attesting that candidates have successfully completed the oral assessment which is administered upon completion of the course. To date, the Law Society has received many positive comments from candidates, articling principals and members of the bench on this state-of-the-art course.

Professional Conduct and Practice Course for Internationally Trained Lawyers

In May 2009, a new three-day mandatory course for internationally trained common law candidates granted an exemption from articles based on experience (more than 10 months of practice) was offered. Twenty-two people attended that session, and the course was repeated in December with 19 candidates in attendance.

Continuing professional development (CPD)

In November 2009, Convocation approved a consultation on a proposal for a new CPD requirement, which would require

lawyers and paralegals to undertake 12 hours of CPD annually, at least three hours of which must relate to ethics, professional responsibility or practice management. Along with individual and group or association input received, the Law Society also held three teleseminars in November and December giving lawyers and paralegals an opportunity to ask questions and provide their input on the proposal. The consultation closed in January 2010, and the CPD requirement was approved in February 2010.

Paralegal licensing process

Registrations for the 2009/10 paralegal licensing process are significantly higher than 2008/09 with 673 candidates – an increase of 140 per cent.

College accreditation

By the end of 2009, the Law Society approved the accreditation of 11 paralegal college programs.

The auditing of accredited college paralegal programs began in November 2009. Audits ensure that a college program's curriculum, infrastructure and systems support meet the accreditation criteria. All colleges will be audited within three years of the date of their accreditation and once every five years thereafter.

Approved paralegal programs by the end of 2009

Algonquin Careers Academy (Mississauga, Ottawa)

Algonquin College (Ottawa)

Durham College (Oshawa)

Durham College (Certificate) (Oshawa)

Herzing College (Toronto)

Humber Institute of Technology and Advanced Learning (Toronto)

Humber Institute of Technology and Advanced Learning (Degree) (Toronto)

Seneca College of Applied Arts and Technology (Toronto)

Sheridan College Institute of Technology and Advanced Learning (Brampton)

St. Clair College (Windsor)

Westervelt College (London)

Office of the Fairness Commissioner (OFC): activities and audit

An audit by the OFC of the Law Society's licensing process registration practices and procedures for transparency, objectivity, impartiality and fairness began in September 2009 and was completed by the year end. The external audit team reviewed 350 lawyer candidate files and 210 paralegal candidate files and filed its report with the OFC at year end.

Legal information: The Great Library and services

In the past two years, the skilled team in the Great Library has worked to provide members with increased access to legal information. From practice portals designed to provide members with access to the most important resources in a particular practice area, through to major enhancements in technology systems to make legal research and searching user-friendly and efficient, great strides have been made.

Reference education: Audio-visual tutorials, Webinars

Online tutorials and video demonstrations have been developed, giving lawyers and paralegals answers to frequently asked questions, such as legislative histories, in an interactive format.

Search and discovery

A new legal information search software has been implemented, which creates a unified interface for searching multiple information sources, including the online catalogue and the digital library. Other resources will be added over time, including law journals and primary law.

LibraryCo services and supports

The Law Society continues to provide significant operational support to LibraryCo. One of the ways is by hosting and providing a toolkit of resources and research content. This is a desktop system that is available to lawyer members in 31 counties across the province, particularly where access to legal information through a local library is limited. Over 2,500 lawyers are eligible to use the toolkit, and the toolkit averaged 1,400 visits per month.

Quality assurance

Spot audit program

In 2009, the Law Society approved an increase in the number of annual spot audits to ensure that all Ontario firms will be audited every five years. More than 1,700 audits will be required per year to achieve the goal, including originating and return visits. Lawyers selected for an audit continue to report extremely high approval ratings for both the auditors and the overall experience.

Practice management review program

The practice management review program was implemented in 2007 and reached its mandated requirement of conducting 400 practice management reviews and an additional 100 focused practice reviews in 2009. Practice management reviews ensure that practitioners meet competency standards as well as identify areas for improvement. Reviewers provide practical suggestions on how to maintain practice at optimal levels, leading to greater efficiencies, high quality service and greater lawyer and client satisfaction.

Paralegal practice audits: scope of audit

In November 2008, Convocation approved the introduction of practice audits for paralegal practices, and 71 were completed in 2009, including both original audits and revisits. Practice audits mirror the format of practice management reviews, with the goal of providing targeted advice to achieve more effective and efficient practices.

Practice management supports

Practice Management Helpline

Through this confidential telephone service, experienced counsel provide lawyers and paralegals with assistance in interpreting the *Rules*, Law Society legislation and by-laws, as well as ethical and practice management issues. Callers from sole and small firms make up 70 per cent of all queries. For lawyers, the majority of questions relate to real estate (27 per cent), family law (18 per cent) and civil litigation (15 per cent), while for paralegals, most questions received relate to provincial offences (24 per cent) and small claims (22 per cent).

Practice Tips

The Law Society publishes *Practice Tips* weekly in the *Ontario Reports*, which contain essential professional responsibility and practice management information in the form of articles, questions and answers, and checklists. This service has received very positive feedback from the profession.

Client identification and verification

The Law Society created online resources, questions and answers, and precedents to assist lawyers and paralegals to comply with the Client Identification and Verification requirements, which became effective on December 31, 2008. Client identification and verification concerns were some of the most active categories of calls into the helpline throughout 2009.

The Contract Lawyers' Registry

The Contract Lawyers' Registry was launched in 2009. This is a registry of lawyers from across the province who are available to work on a contract basis and is a valuable support, particularly for sole and small firm practitioners who may require additional assistance on a short-term or contract basis.

Continuing legal education

Given economic conditions, the Law Society anticipated and experienced a decline in CLE registrations in 2009, with 15,382 participants, a 17 per cent decline over last year.

The organization continues to evolve its learning platform to ensure that quality content is available flexibly and cost-effectively. Users are embracing online courses, which are now the preferred delivery option, attracting 42 per cent of our attendees in 2009.

Articling Registry

The online Articling Registry was launched in June 2009 and has become a recruitment and job search tool for law firms, legal organizations, law students and licensing candidates. Using the registry, firms can post available articling positions and search through articling candidates' profiles; candidates can use the registry as a tool for reviewing articling opportunities in their job search. The registry also assists smaller firms outside of major urban centres to locate law students or licensing candidates who are interested in available articling positions.

Articling survey

In July 2009, the Law Society commenced a telephone survey of all private law firms in the province (approximately 8,500) to assess the scope of the articling market and placements across Ontario. As at the end of 2009, surveyors had contacted over 4,000 firms.

Continuing legal education programs in 2009

Total number of CLE programs (<i>all formats</i>)	69
Total attendance at CLE programs (<i>all formats</i>)	15,382
Average attendance per CLE program (<i>all formats</i>)	223

Top 10 CLE programs in 2009

1. New Rules of Client Identification and Verification Requirements – Teleseminar
2. 17th Annual Immigration Law Summit (two days)
3. Six-Minute Family Lawyer 2009
4. Civil Justice Reform in Action – The New Rule Amendments (jointly with OBA)
5. Small Claims Court Update
6. Six-Minute Real Estate Lawyer 2009
7. The H1N1 Flu Virus (Human Swine Influenza) and the Law
8. 3rd Annual Family Law Summit
9. 6th Annual Real Estate Law Summit
10. 12th Annual Estates and Trusts (two days)

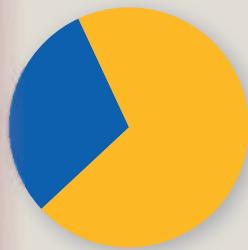
Assisting the public and supporting members

The Client Service Centre (CSC) takes its service mandate very seriously. The CSC consists of seven separate business units with nearly a quarter of a million calls processed in 2009 through one unit, the Call Centre. The CSC is the primary point of contact between the Law Society and its clients and stakeholders. In addition to its role as a gateway to other Law Society departments, Call Centre staff can offer basic information on a wide variety of Law Society-related topics. This area also administers the popular Lawyer Referral Service.

The CSC's service-oriented philosophy manifests itself in all of its operating areas. Staff members understand that in certain circumstances, dealing with the Law Society can be an intimidating experience. They are trained to be helpful, respectful and professional in all their interactions with others.

All complaints about lawyers and paralegals received by the Law Society are reviewed by staff in Complaints Services. When a complaint is first received, Complaints Services ensures that an acknowledgement letter is generated in 72 hours or less. Each complaint is then reviewed to determine whether it falls within the jurisdiction of the Law Society. Complaints that are within our jurisdiction are transferred to the Professional Regulation Division.

When a complaint is not within the jurisdiction of the Law Society, the complainant is notified promptly. Staff will speak with complainants when necessary (whenever possible, in their language of preference) to explain the Law Society's mandate in plain language and, in situations where the Law Society is



Contacts from

■ Lawyers and Paralegals	70%
■ Public	30%

Total contacts

	2007	2008	2009
492,493	471,689	475,931	

Contacts over the year

Call Centre	249,872
Membership Services	102,567
Administrative Compliance	97,392
Complaints Services	26,100
Total	475,931

unable to assist, will suggest other avenues that may exist to address their concerns. In addition, the complaints services window on the first floor at Osgoode Hall is available for complainants to speak in person with a Complaints Services Representative. No appointment is required for these meetings, although complainants are required to first check in with Reception. This service orientation extends to all areas of the CSC. The Administrative Compliance Department offers helpful information to lawyers and paralegals about various by-law related processes, such as annual filings, permissible business structures and interjurisdictional mobility. Staff in Membership Services assist lawyers and paralegals with fee inquiries, and address and status changes. Other services provided by Membership Services include greeting and assisting visitors to our front-office reception desk and the first-floor transaction window for lawyers and paralegals.

The CSC ensures a high level of professionalism and efficiency by maintaining and monitoring both qualitative and quantitative standards for all of its key processes.

The CSC also provides a number of other important services at the Law Society, such as the curator's office (whose mandate is to protect, document, research and promote the heritage assets of the Law Society) and the Corporate Resource and Training Centre (which offers internal consulting and assistance with training, documentation and quality improvement to the entire

organization). In addition, the CSC is responsible for security, reception and facilities services at the Law Society.

Contacts

The total number of contacts for the CSC increased in 2009 to 475,931, from 471,689 the previous year. While Call Centre volumes were down slightly, this was offset by increased contacts in Administrative Compliance, Complaints Services and Membership Services. A number of factors were responsible for these shifts including fewer Lawyer Referral Service calls; an increase in member contacts due to our database change verification process; a variety of new paralegal-related activities; and the introduction of certain closed trusteeship functions in Administrative Compliance.

Approximately 70 per cent of the CSC's outside contacts in 2009 were with lawyers and paralegals, and the remainder were with the public. This is a slight shift from the previous year, when the figures were 64 per cent and 36 per cent respectively.

The percentage of lawyers e-filing their Member's Annual Report continued to increase, with 75 per cent of lawyers' filings received electronically compared to 72 per cent the previous year. For the Paralegal Annual Report, which was initially designed as an e-filing only system (with paper copies distributed only upon request), e-filing represented 91 per cent of total filings received.

Total complaints		
Professional Regulation Intake Unit	4,735	68%
Client Service Centre resolution	482	7%
Client Service Centre – outside mandate and/or closed by Complaints Services	1,751	25%
Total	6,968	
<i>Includes re-opened complaints.</i>		

How did Membership Services support members?		
General member service requests		50,365
Lawyer Referral Service		26,309
Window transactions		7,151
Phone calls		18,742

Annual Reports	e-filed	%	Paper
Lawyers	29,552	75%	9,765
Paralegals	2,071	91%	205

Regulating in the public interest

As part of its mandate, the Law Society is committed to protecting the public through the effective regulation of lawyers and paralegals. Effective regulation includes a complaints, investigation and discipline process that is transparent, timely and accessible. It also means that lawyers and paralegals are held to standards of behaviour that adhere to the requirements of the Law Society Act, as well as the regulations, by-laws and the Rules of Professional Conduct.

The Law Society's Professional Regulation Division is responsible for various aspects of lawyer and paralegal regulation. The division responds to complaints involving conduct, competency and capacity issues. Conduct-related complaints range from relatively minor service issues to more serious allegations, such as those involving

the misuse of monies held in trust. The Law Society is able to resolve many complaints by working with complainants, lawyers and paralegals to address the regulatory issues that are identified. When necessary, the Professional Regulation Division will conduct investigations. These will sometimes lead to formal discipline prosecutions.

During 2009, the complaints case process remained relatively stable, with no unexpected external pressures. The Professional Regulation Division received 4,735 new complaints, an increase of 3.2 per cent over 2008. This reflected an increase in complaints against licensed paralegals as well as complaints about unauthorized practice or unauthorized provision of legal services (UAP). In 2009, the division closed 4,822 cases, an increase of 8 per cent over last year.

Paralegal regulation

In 2008, the Law Society licensed the first group of paralegals following the 2006 amendments to the *Law Society Act*. Like lawyers, paralegals are regulated in the public interest, and are required to comply with the *Law Society Act*, regulations, by-laws and *Paralegal Rules of Conduct*. As a result the Professional Regulation Division has devoted resources to responding to complaints about licensed paralegals.

The *Law Society Act* requires applicants for licensing as lawyers or paralegals to be of good character. The Law Society

Complaints received by area of law	
Civil litigation	25%
Real estate	23%
Matrimonial/family	20%
Criminal/quasi-criminal	9%
Estates/wills	7%
Administrative/immigration	6%
Corporate/commercial/business	4%
Employment/labour	2%

New complaints received by the Law Society		
	2008	2009
Received by LSUC (Client Service Centre)	6,751	6,876
Outside LSUC mandate and/or closed	2,160	2,141
Received by Intake Department	4,591	4,735
Closed/resolved by Intake	1,545	1,645
Transferred by Intake		
To Complaints Resolution	1,960	2,053
To Investigations	1,191	1,092
To other departments	52	38
Cases completed in Complaints Resolution		
Complaints closed	1,706	1,739
Complaints transferred out	76	78
Cases completed in Investigations		
Complaints closed	761	1,195
Complaints transferred out	256	317

assesses good character by requiring all applicants to disclose issues that may bring their character into question. This includes past criminal convictions, as well as penalties imposed by courts, administrative tribunals or other regulatory bodies.

Because of the grandparenting of numerous experienced paralegals, the Law Society had many licensing applications to process, a number of which raised good character issues. In 2009, 67 new paralegal good character cases were opened. Over the year, 161 good character cases from the accumulated inventory were closed (19 in Intake, 122 in Investigations and 20 in Discipline).

The *Law Society Act* states that no one who meets the other requirements for licensing as a lawyer or paralegal can be refused a licence on the basis of good character without a formal hearing. In 2009, 42 notices of hearing were issued related to good character for grandparented paralegals. Nine of the grandparent candidates withdrew their applications, and of the hearings that have concluded, six candidates were granted their Class P1 licences and 14 were denied licences. There were eight decisions under reserve at year end and several hearings in progress.

The complaints process – path of a complaint from receipt to closure

Complaints Services

Most complaints about lawyers or paralegals or about unauthorized practice are made in writing through the Law Society's Complaints Services Department. Complaints that

are identified as being within the Law Society's mandate are transferred to the Intake Department of the Professional Regulation Division.

Intake

The role of Intake is to identify regulatory issues revealed by an incoming complaint, substantiate the complaint by ensuring that there is adequate documentation to support the allegations of misconduct, and then stream the case to the appropriate regulatory department. Intake also performs vital case management by ensuring that cases concerning the same lawyer/paralegal or cases dealing with similar issues are dealt with consistently.

In 2009, Intake received 4,735 new complaints, a 3.2 per cent increase over 2008. During this period, 1,645 complaints were closed on the basis of an early resolution or other early determination and 3,145 complaints were streamed to Complaints Resolution and Investigations for further action. The percentage of incoming cases referred for additional action remained the same as in 2008.

Complaints Resolution

Complaints Resolution investigates and, where feasible, resolves complaints that may involve less serious breaches of the *Rules of Professional Conduct* or *Paralegal Rules of Conduct*. Complaints Resolution can also seek authorization for disciplinary proceedings where necessary, for instance when a lawyer or paralegal is uncooperative.

Complaints Resolution handles a large volume of complaints. In 2009, the department experienced a significant

Licensed paralegal new complaints		2008	2009
Received by Professional Regulation Intake		161	351
Closed/resolved by Intake		55	125
Transferred by Intake			
To Complaints Resolution		62	135
To Investigations		29	87
Cases completed in Complaints Resolution		13	80
Cases completed in Investigations		16	33

Paralegal complaints statistics from 2008 only reflect Law Society regulation from May 2008 onward.

Complaints Resolution issues 2009

CONFLICTS

(Lawyer in position of conflict, business/financial relations with client)

11%

GOVERNANCE

(Failure to co-operate with the Law Society, unauthorized practice)

15%

INTEGRITY

(Civility, counselling/behaving dishonourably)

56%

CLIENT SERVICE ISSUES

(Fail to account, fail to communicate, fail to serve client)

71%

Figures are greater than 100% because some files raise more than one issue.

4 per cent increase in new cases over 2008, much of which was attributable to an increase in complaints against licensed paralegals: 135 in 2009, compared to 62 in 2008. In substantive terms, the department has seen an increase in complaints that involve integrity and conflict issues. The department's caseload also includes issues such as failure to serve or respond to clients.

In 2009, the department closed 1,739 complaints, approximately 92 per cent of the total number of complaints received.

Investigations

Allegations of serious lawyer or paralegal misconduct, incapacity, unauthorized practice and other issues that could result in formal proceedings are usually referred to the Investigations Department. The department is staffed by counsel, forensic auditors, investigators and law clerks.

In 2009, 23 per cent (1,092) of the 4,735 complaints received were directed to Investigations. This is a decrease of 12 per cent over the previous year, largely attributable to the gradual decline in new good character issues related to grandparented paralegal applicants, but it should be noted that the number of new cases in Investigations in 2009 was 8 per cent higher than in 2007.

Timely and effective investigation of serious complaints remains a high priority for the Law Society. It is therefore noteworthy that Investigations closed 15 per cent more cases in

2009 than in 2008 and 48 per cent more than in 2007. It also closed more cases than it received and reduced its inventory to 1,113 cases at the end of 2009 – an 18 per cent reduction in the size of the inventory of outstanding investigations matters since the end of 2008.

Following an investigation, some files may be closed as unfounded or are resolved without formal action. The director of Professional Regulation determines whether complaints require further regulatory action and if so, they are referred to the Proceedings Authorization Committee (PAC). The PAC consists of benchers appointed by Convocation to authorize staff to proceed to prosecution. The PAC may also authorize a file closure or a remedial outcome.

The *Law Society Act* prohibits individuals who are not licensed as lawyers from practising law. It also prohibits those who are neither lawyer nor licensed paralegals from providing *legal services*, a term that is now defined in the legislation.

In part because of enhanced public awareness in the wake of paralegal regulation, the Law Society received 32 per cent more complaints about unauthorized practice/unauthorized provision of legal services (UAP) in 2009 over the previous year (445 compared to 337). UAP complaints involve concerns ranging from advertising services that a person or company is not licensed to provide, to more serious cases involving actual representation by non-licensed persons before courts and tribunals.

Investigations issues 2009	
CONFLICTS (<i>Lawyer in position of conflict, business/financial relations with client</i>)	11%
FINANCIAL (<i>Mishandling trust accounts, misappropriation, real estate/mortgage schemes</i>)	35%
GOVERNANCE (<i>Failure to co-operate with the Law Society, unauthorized practice</i>)	40%
INTEGRITY (<i>Civility, counselling/behaving dishonourably</i>)	45%
CLIENT SERVICE ISSUES (<i>Fail to account, fail to communicate, fail to serve client</i>)	43%
SPECIAL APPLICATIONS (<i>Capacity, admission</i>)	11%

Figures are greater than 100% because some files raise more than one issue.

Unauthorized Practice	2008	2009
New files opened	337	445
Closed in Intake	122	165
Transferred for investigation (<i>to Complaints Resolution or Investigations</i>)	218	278
Investigation completed	204	186
No evidence of unauthorized practice	24%	34%
Discontinued	58%	50%
Evidence of unauthorized practice	18%	16%

Discipline

Discipline Counsel represent the Law Society on various matters before the Hearing Panel, the Appeal Panel and the courts, as required. Matters assigned to Discipline include cases involving lawyer misconduct, non-compliance with regulatory obligations (including the duty to respond to a Law Society investigation), incapacity and incompetence. In the past year, good character cases have also consumed an increasing amount of resources in this area.

In 2009, 21 appeals to the Appeal Panel were filed. Ten appeals were disposed of in this period; four appeals were allowed, in whole or in part; three were dismissed; and three were abandoned. The balance were in progress at year end.

The Law Society also has an interlocutory suspension process to protect the public in urgent situations, even while an investigation is ongoing, when continued practice by a lawyer or paralegal would put the public at risk. In 2009, Hearing Panels granted six interlocutory suspensions, and two lawyers agreed to voluntary restrictions on their practice as the Law Society prepared to request authorization for an interlocutory suspension.

Complaints Review

The Complaints Resolution Commissioner (CRC) reviews cases that are closed by staff where the complainant is unhappy

about how the case was handled. The CRC conducts an arms-length and impartial review of the investigation and decision to close the file, typically meeting with the complainant to discuss the matter.

In 2009, the office of the CRC received 254 requests for review and 198 reviews were conducted. Some requests fell outside the CRC's jurisdiction and others were abandoned.

After reviewing the Law Society's decision, the CRC may agree that the investigation and outcome are reasonable, in which case the file remains closed. The CRC can also refer a matter back to the Law Society with a recommendation to take further action. As of December 31, 2009, the CRC had referred approximately 10 per cent of the complaints that had been reviewed back to the Law Society with a recommendation for further action.

As of December 31, 2009, the CRC was former Ontario Ombudsman Clare Lewis, Q.C., who has served ably in that role since 2005. The Law Society is grateful to Mr. Lewis for his work in protecting the public interest and in helping to ensure that all complaints about lawyer and paralegal misconduct are addressed thoroughly and fairly. Mr. Stindar Lal, Q.C., will assume the position of CRC as of April 1, 2010.

Discipline issues 2009

CONFLICTS (Lawyer in position of conflict, business/financial relations with client)	3%
FINANCIAL (Mishandling trust accounts, misappropriation, real estate/mortgage schemes)	26%
GOVERNANCE (Failure to co-operate with the Law Society, unauthorized practice)	23%
INTEGRITY (Civility, counselling/behaving dishonourably)	31%
CLIENT SERVICE ISSUES (Fail to account, fail to communicate, fail to serve client)	27%
SPECIAL APPLICATIONS (Capacity, admission)	30%

Figures are greater than 100% because some files raise more than one issue.

Discipline 2009

Number of matters heard and disposed of by Hearing Panels

		Lawyers	Paralegals
Conduct	Total	69	2
	Admonition	1	0
	Reprimand	13	0
	Suspension	34	2
	Permission to surrender licence	2	0
	Revocation of licence	15	0
	Dismissed	2	0
	Withdrawn	2	0
	Fine/terms only	0	0
	Interlocutory suspension	6	0
	Capacity	3	0
	Competency	0	0
	Non-compliance	1	0
	Reinstatement	3	0
	Restoration	0	0
	Licensing (including readmission)	4	20
	TOTAL	86	22

Monitoring & Enforcement

The Monitoring & Enforcement Department is responsible for ensuring compliance with orders and undertakings obtained by the Law Society in the course of its regulatory activities.

In 2009 Monitoring & Enforcement also assumed responsibility for responding to inquiries about regulatory outcomes, including regulatory meetings, practice restrictions, suspensions, revocations and discipline histories to increase the transparency of the regulation of the legal professions.

As of December 31, 2009, Monitoring & Enforcement had 371 discipline and proposal orders, 93 bankruptcies and 365 undertakings that restrict lawyers or paralegals and/or require active monitoring. The department had 53 open enforcement files where there were allegations of breach of an order or undertaking under investigation and 56 restitution or other court orders. In addition, Monitoring & Enforcement has 454 undertakings and 36 orders in abeyance. They continue to bind the licensees involved, but they are not restrictive and require no active monitoring.

In 2009, Monitoring & Enforcement collected and recovered almost \$156,000 in costs, bankruptcy dividends and Rule 6.07 fees.

Trustee Services

Under Section 49.47 of the *Law Society Act*, the Law Society may seek a trusteeship where a lawyer or paralegal has abandoned their practice, has had their licence revoked or has otherwise ceased to practise or provide legal services. Once the Law Society obtains a voluntary trusteeship or trusteeship order from the Superior Court, the Trustee Services Department takes effective responsibility for the business. The aim is always to protect clients and other members of the public, by ensuring an orderly transition of the files, remaining trust monies and work in progress associated with the practice.

The Trustee Services Department also assists lawyers and paralegals with advice on how to successfully wind up their

practices while at the same time protecting and preserving the interests of their clients.

In 2009, 16 trusteeships were obtained under the *Law Society Act*, eight trusteeships were obtained by negotiated agreement and the department provided guidance and information to lawyers or their estate trustees on how to wind up their law practice in 42 additional cases.

Trustee Services also responds to requests from clients regarding lawyer or paralegal trusteeships and address many different concerns, including the distribution of funds, the return of a file or documents, inquiries from the police etc. In 2009, Trustee Services opened 3,022 files in relation to requests from clients. The department also addressed and closed 2,611 of these requests.

In 2009, Trustee Services collected and recovered \$360,000 in court-ordered costs and recoveries, of which \$194,400 was paid to the Compensation Fund.

Unclaimed Trust Funds Services

The Law Society has a program (required under the *Law Society Act*) that enables lawyers and paralegals to submit unclaimed trust funds that they have held for at least two years to the Law Society. Members of the public who believe they are entitled to these funds are able to make claims for these funds. Names of those entitled are published from time to time in the *Ontario Gazette*.

Compensation Fund

For more than 50 years, the Compensation Fund has compensated members of the public who are victims of lawyer (and now, licensed paralegal) dishonesty and who have thereby suffered a financial loss. Clients can apply to the Fund for reimbursement of lost money or property.

Pursuant to the general guidelines for the determination of grants, the Fund can be used to reimburse individuals for up to a maximum of \$150,000 (for lawyers) and \$10,000 (for paralegals).

Unclaimed Trust Fund 2009

Files received	362
Approved	220
Denied	92
Pending	104
Total received	\$150,824

Compensation Fund 2009

New claims/applications received	159
Total grants paid on 92 claims (including \$14,470 on nine paralegal claims)	\$2,028,241

Promoting equity and diversity

The Law Society is committed to the promotion of equality, diversity and access to justice and has established a strong infrastructure to develop initiatives and programs that promote a legal profession that reflects the communities it serves.

Justicia and the retention of women

The implementation of the recommendations in the *Retention of Women in Private Practice Report* was one of our priorities this year. Justicia, a three-year pilot project, involves firms sharing best practices to promote the retention and advancement of women in the private practice of law, including policies on pregnancy, parental leave and flexible work arrangements, as well as gender-based programs on mentoring, leadership and networking opportunities. The participation of more than 55 firms in the Justicia project demonstrates a strong commitment by the profession to the adoption of programs to retain women in private practice.

The Parental Leave Assistance Program was launched this year. This is a three-year pilot program designed to support lawyers in sole and small practices of five or fewer lawyers to maintain their practices after the birth or adoption of a child. Under the program, the Law Society provides a fixed sum of \$750 a week to eligible applicants for up to 12 weeks. In 2009, more than 50 applicants, men and women, were approved.

The Contract Lawyers' Registry is a list of lawyers from across the province who are available to work on a contract basis. The Contract Lawyers' Registry provides valuable support for sole and small firm practitioners who may require additional assistance on a short-term or contract basis, and practitioners with the support and flexibility they need to maintain a healthy work-life balance and an efficient practice.

The Law Society is also developing online resources for women lawyers, and in 2009 organized the Women's Symposium, which was delivered in February 2010.

Change of status survey

In 2009, the Law Society conducted a voluntary change of status survey with lawyers who change their primary businesses or status in the legal profession. The purpose of the survey is to identify trends and compile information relating to reasons for movement in the legal profession. A report about the experiences of lawyers is expected in 2010.

Demographic data collection

The Law Society approved a voluntary question in the 2009 Lawyer and Paralegal Annual Reports asking respondents to self-identify as members of Francophone, Aboriginal or equality-seeking communities on a confidential basis. The Law Society is gathering these statistics to better understand demographic trends in the profession and to develop programs and initiatives, to promote equality and diversity in the profession.

Ontario Civil Legal Needs Project

The Law Society, Pro Bono Law Ontario and Legal Aid Ontario are partners in the Ontario Civil Legal Needs Project, a legal research initiative to identify some of the obstacles faced by low and middle-income Ontarians to obtain meaningful access to justice. The project is also funded by the Law Foundation of Ontario. An interim report will be delivered in 2010.

Studies for release in 2010

The Law Society retained Professor Michael Ornstein in 2009 to analyze the 2006 Canada Census data to compare diversity within the legal profession with the overall population and other professions.

Professor Fiona Kay has also undertaken two studies with the legal profession. The first is the culmination of 20 years of a longitudinal study of Ontario lawyers, beginning in 1990. The study focuses on job transitions, including between sectors of practice, full and part-time work, across areas of law, promotions and mobility routes, as well as departures (and re-entries) to the practice of law. The second examines the factors leading to departures from law practice as well as the different conditions that operate either as barriers to or facilitators of re-entry to law practice following a period of absence.

Promoting equality and diversity through committees and working groups

The Law Society develops policies and programs to promote equality and access to justice through committees and working groups of benchers, lawyers and paralegals. Some of the active committees and working groups in 2009 are described below:

The Equity and Aboriginal Issues Committee is a standing committee of Convocation that develops policy options for the promotion of equality and diversity in the legal profession, as well as for all matters related to Aboriginal peoples and the Francophone community. In 2009, the Committee approved and monitored the activities described above.

The Access to Justice Committee is a standing committee of Convocation. In 2009, the Committee undertook activities that included researching legal expense insurance, as well as incentives for encouraging lawyers to practise in under-serviced areas in Ontario.

The Equity Advisory Group is composed of lawyers and legal organizations that provide input on the development of policies and practices related to equality within the profession and within the Law Society.

The Retention of Women in Private Practice Working Group is composed of benchers and women lawyers with experience in developing programs for women in the legal profession, and more particularly in private practice. The Women's Equality Advisory Group was created in 2009 to oversee the implementation of policies related to the retention of women from equality-seeking communities in private practice.

The Return to Practice Working Group was created as part of the Retention of Women in Private Practice Project to identify strategies and develop resources to facilitate the return of women lawyers to the workforce following extended absences.

The Aboriginal Working Group is implementing the *Final Report of the Aboriginal Bar Consultation*. As a first step, the Lawyer Annual Report was modified to add "Aboriginal law" as a practice category, which will provide empirical data on how many lawyers practise in this area.

The Human Rights Monitoring Group reviews information about human rights violations throughout the world that target lawyers and judges in the performance of their professional duties, and recommends Law Society interventions. In 2009, the Law Society made over 20 interventions. The Monitoring Group held its first Rule of Law Education Series event with partners Amnesty International, Human Rights Watch, Lawyers' Rights Watch and Canadian Lawyers Abroad. More than 250

participants discussed the issue of when it is appropriate for states to take action against other states to protect people from catastrophe, genocide and crimes against humanity.

Discrimination and Harassment Counsel Program

The Discrimination and Harassment Counsel (DHC) Program has been in operation for 10 years, providing free, confidential advice, in French and English, to members of the public and the legal profession who believe they have been harassed or discriminated against by a lawyer or a paralegal.

In 2009, 195 people contacted the DHC with new matters; 67 raised specific complaints of discrimination or harassment by a lawyer, paralegal, or law firm in Ontario. The DHC also produced a seven-year summary of data from January 1, 2003 to December 31, 2009. In that period, there were 1,220 contacts, amounting to between 130 and 195 new contacts per year. The most common grounds of complaints are sex (50 per cent), disability (25 per cent) and race (15 per cent). Complaints based on grounds such as sexual orientation, religion, age and family status are also raised.

Since 2008, the DHC has addressed complaints of harassment and discrimination by paralegals; five complaints were made against paralegals based on the grounds of race, disability and sex.

Professional development

The Law Society, through the DHC Program and the Equity Initiatives Department, provides custom-designed education and resources to promote understanding of equality issues to law firms, law faculties and legal associations. In 2009, professional development programs were delivered to more than 500 law students, lawyers and paralegals. Topics have included addressing harassment and discrimination, providing legal services to clients with disabilities, the *Accessibility for Ontarians with Disabilities Act 2005* and the retention of women in private practice.

Collaborating with communities

Collaboration with legal organizations and community agencies has been a hallmark of our equity initiatives. We believe that by working together with our stakeholders, we can be more effective in promoting equality and diversity in the profession. Collaborating organizations include the Aboriginal Legal Services of Toronto, The Advocates' Society, ARCH Disability Law Centre, the Arab Canadian Lawyers' Association, Amnesty International Canada, the *Association des juristes d'expression française de l'Ontario*, B'nai Brith Canada, the Barbra Schlifer Commemorative Clinic, the Black Law Students Association of Canada, the Canadian Association of Black

Lawyers, Canadian Lawyers Abroad, Canadian Lawyers for International Human Rights, the City of Toronto, the Federation of Asian Canadian Lawyers, the Feminist Legal Analysis Section of the OBA, the Hispanic Ontario Lawyers' Association, Human Rights Watch Canada, the Indigenous Bar Association, the Indigenous Law Journal, Lawyers' Rights Watch Canada, Legal Aid Ontario, the Métis Nation of Ontario, the Nishnawbe-Aski Legal Services, the Official Languages Committee of the OBA, Pro Bono Law Ontario, the Sexual Orientation and Gender Identity Section of the OBA, the South Asian Bar Association, the South Asian Legal Clinic of Ontario, the Toronto Indigenous Sovereignty Week Organizing Committee, the Women's Law Association of Ontario and the Women's Legal Education and Action Fund.

Mentorship

Central to the Law Society's outreach efforts is the Equity and Diversity Mentorship Program, which matches mentors who are experienced members of the bar with new lawyers, bar admission candidates and students in law school, university and high school. In 2009, 54 members of the Law Society were registered as volunteers, and 25 mentoring relationships were established. The program is offered throughout Ontario.

Career symposiums for Aboriginal students

In 2009, the Law Society organized its sixth career symposium for Aboriginal students, giving Aboriginal students from Ontario law schools an opportunity to meet with Aboriginal members and leaders of Ontario's legal profession. Three events were held, one in Toronto, Windsor and Ottawa. Students and lawyers discussed navigating career paths, the licensing process and work-life balance.

Equity public education series

The Law Society works in partnership with a number of legal stakeholders including legal associations and community organizations to promote awareness and discussion among members of the public and the legal profession on the challenges and opportunities for Francophone, Aboriginal, and equality-seeking communities in law and the legal profession. This program includes panel discussions, public forums, seminars, workshops and consultations.

Events are planned throughout the year to mark dates of public significance, including Black History Month, International Women's Day, National Holocaust Memorial Day, National Aboriginal Day, South Asian and Asian Heritage Month, Access Awareness Week, Pride Week, International Human Rights Day and Louis Riel Day.

Equity public education series events



Shown at the Black History Month reception, from left to right, are Frank Walwyn, President of the Canadian Association of Black Lawyers; Reception Keynote Speaker Dennis W. Archer, former Associate Justice Michigan Supreme Court, former Mayor of Detroit and former president American Bar Association; and Law Society Treasurer W. A. Derry Millar.



In honour of National Access Awareness Week, the Law Society and ARCH Disability Law Centre hosted a forum and reception on access to justice for people with disabilities. The event featured a panel of legal experts and a presentation by the Lieutenant Governor of Ontario. Shown here, from left to right (front row) are Law Society Bencher and Equity & Aboriginal Issues Committee member Mary Louise Dickson; and The Honourable David C. Onley, Lieutenant Governor of Ontario. Second row: Peter Wells, Chair, ARCH Disability Law Centre; Justice Anne M. Molloy, Superior Court of Justice of Ontario; W. A. Derry Millar, Treasurer; Josée Bouchard, Equity Advisor; Cynthia Harper, Regional Business Manager, GTA, Legal Aid Ontario; and Deidré Rowe-Brown, Executive Assistant to the Treasurer. Back row: Katherine Laird, Executive Director, Human Rights Legal Support Centre; Cara Wilkie, Barrister and Solicitor; Tess Sheldon, Project Lawyer, ARCH Disability Law Centre; and Ivana Petricone, Executive Director, ARCH Disability Law Centre.

Getting the message out strategically

The Law Society maintains an active communications strategy designed to make it easier for the public to find a lawyer or paralegal to help them navigate the justice system and obtain assistance with legal issues. We also seek to increase understanding of the role of the Law Society in serving the public interest. A significant part of our communications is focused on lawyers and paralegals themselves. We need to keep them current with changes in policy, in rules and regulations, and with other issues and initiatives that affect the profession.

Strategic initiatives

In 2009, the Communications Department surveyed the public and members in regard to the effectiveness of the major components of our communications strategy. Specifically, we explored the reaction to print publications including the *Ontario Lawyers Gazette* and the *Ontario Reports* and electronic channels such as our website, emails and digital newsletters. Results of this research were used to redesign our electronic newsletters to lawyers and paralegals and to refresh our website.

Further enhancements to both the *Gazette* and the *Ontario Reports* will be implemented in 2010. We will also reconfigure the website significantly in 2010 to make it easier for the public to find the services and information they seek out most often.

Most popular media stories about the Law Society

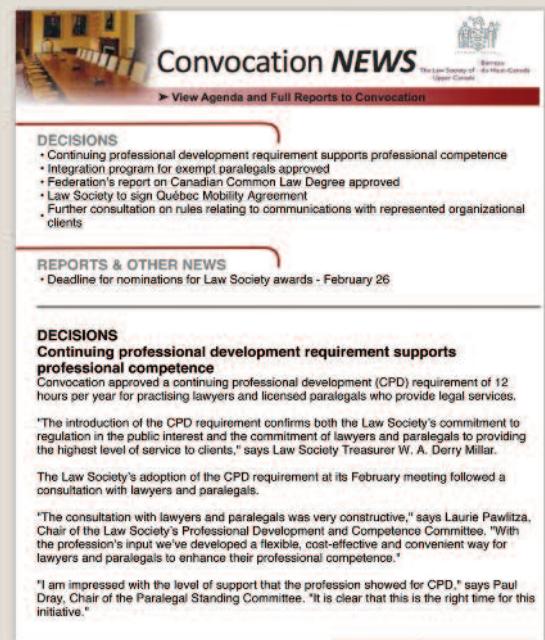
1. Discipline cases
2. Paralegal regulation
3. Justicia Program/Parental Leave Assistance Program (PLAP)
4. Convocation news (e.g. governance; CPD)
5. Good character hearing for licensing application of Parminder Singh Saini
6. Equity events
7. Calls to the bar
8. Law Society Medals
9. Civility Complaints Protocols
10. Legal insurance

Media relations

The media have a key role in disseminating information to the public, lawyers and paralegals. Overall, there were 283 mentions of the Law Society in print media coverage over the past year. A total of 187 media inquiries were received from media outlets and reporters, including 43 requests for interviews.

Also in 2009, the Law Society:

- Distributed 86 media releases and advisories (57 in English, 29 in French) on a variety of issues of importance to the public and the profession.
- Distributed 11 Tribunal decision news releases, and 41 weekly decision summaries. This is more than double compared to previous years when we published lists of decision summaries every three or four weeks. Numerous media outlets throughout the province routinely report these hearing results.



The screenshot shows the homepage of the Law Society of Upper Canada Convocation NEWS. The header features the text "Convocation NEWS" and "The Law Society of Upper Canada". Below the header, there is a "DECISIONS" section with a list of items including "Continuing professional development requirement supports professional competence", "Integration program for exempt paralegals approved", "Federation's report on Canadian Common Law Degree approved", "Law Society to sign Québec Mobility Agreement", and "Further consultation on rules relating to communications with represented organizational clients". There is also a "REPORTS & OTHER NEWS" section with the note "Deadline for nominations for Law Society awards - February 26". At the bottom, there is a "DECISIONS" section with the sub-headline "Continuing professional development requirement supports professional competence", followed by a paragraph about the CPD requirement and quotes from Law Society Treasurer W. A. Derry Millar and Paralegal Standing Committee Chair Paul Dray.

In 2009, we maintained a media list of more than 140 members of the media who have asked us to send them these summaries. In 2010, RSS feeds will be explored as an option to the weekly emails.

Publications

The survey results provided feedback on both the *Ontario Lawyers Gazette* and the *Ontario Reports*, the Law Society's two main print publications for the profession. Lawyers' assessments of the Gazette were generally positive, with highest ratings given to its credibility and writing style. Three quarters of lawyers said they looked through at least half of every issue.

About nine-in-ten of the lawyers who responded said they were "very interested" or "interested" in an electronic version of the Gazette that would cover recent developments and current updates. We are redeveloping the online version of the Gazette in 2010 to reflect these research results.

Although lawyers have access to a large number of sources of information about legal issues and the profession of law, the *Ontario Reports* was cited by 85 per cent of the lawyers who responded as the source they used most frequently. These lawyers also gave the *Ontario Reports* a high rating for providing them with information about various Law Society activities and programs.

When asked how the Law Society could enhance its communications to lawyers, the single suggestion, strongly repeated, was to make more use of electronic channels. Before the end of the year, Communications created a Convocation newsletter for lawyers and paralegals, sent by email the same day as each Convocation meeting, with a summary of decisions

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Voters' Guide now available

**2010
PARALEGAL Standing Committee ELECTION**

The LAW SOCIETY OF UPPER CANADA

A total of 39 candidates have been nominated to run in the first-ever election for the five paralegal seats on the Paralegal Standing Committee. The [Voters' Guide](#), containing information about the candidates is now available on the Law Society's website.

Voting in the online election will open on **March 4, 2010** at 9 a.m. EST and end at 5 p.m. EDT on **March 31, 2010**. If you are eligible to vote, you will receive a "control number," which is your personal voter identification number, and voting instructions, [by email](#).

Events & News Briefs

Continuing Legal Education
Mark your calendars for these upcoming CLE programs offered by the Law Society:

March 4, 9 a.m. to 12:30 p.m. – Proven Strategies to Enhance your Will Practice Topics include tips for addressing difficult issues in an appeal and techniques for the persuasive presentation of medical evidence.

April 24, 9 a.m. to 12:30 p.m. – Best Practices for Paralegals Appearing Before the Ontario Court of Justice
2010 Learn from paralegal practitioners and government representatives about current and upcoming legislative changes, as well as professional responsibility issues and procedural changes at the Ontario Court of Justice.

May 6, 9 a.m. to 1 p.m. – Managing Your Paralegal Practice for Success
Speakers will address key areas such as contingency planning, conflict

made and other matters discussed. We also began discussions about creating a digital version of the *Ontario Reports*, and will start sending one to all lawyers and paralegals as an alternative to the print edition in the spring of 2010.

In 2009, Communications also planned and designed a new electronic version of *Paralegal UPDATE*, the news bulletin for paralegals.

Program support

The Communications Department provided significant support to a number of key Law Society programs and initiatives through the year. One of these was the continuing implementation of the Retention of Women in Private Practice recommendations, including the launch of the Parental Leave Assistance Program in the spring.

In the fall and winter Communications helped the Treasurer and members of the Professional Regulation Division stage the *Civility Forum* throughout the province. More than 800 lawyers, paralegals and members of the judiciary participated in a series of meetings at 11 locations across the province. The *Civility Forum* finished in February 2010.

In respect of paralegal regulation, we contributed to the *Report to the Attorney General of Ontario on the Implementation of Paralegal Regulation in Ontario* and the special reception with the attorney general that marked the release of the two-year report. We also participated in the planning and early promotion of the first-ever election of members of the Paralegal Standing Committee. The call for nominations went out in 2009 in advance of the actual election in March of 2010.

Through the year, Communications staff worked actively with the members of the Law Society's Equity Department to host nine Public Education Equality and Rule of Law Series events.

Electronic media

The public website continues to be the primary means of communicating with our stakeholders.

The number of users of the Law Society site increased more than 12 per cent compared to the previous year. In 2009 there were more than 14 million page views, compared with 12.5 million page views in 2008.

Through the latter part of the year Communications began to consolidate sections of the website in preparation for further revisions and improvements in 2010. A particular focus will be grouping the various public services we provide to make them easier to access. These include the directory of lawyers and paralegals, the Lawyer Referral Service, the Certified Specialists and information pages about complaints and compensation.

New technologies to drive service improvements

Information Systems (IS) supports the Law Society in fulfilling its mandate by providing business applications and information systems technology that enable the organization to operate efficiently and effectively.

IS is responsible for managing the business information systems, computing infrastructure, communication networks, websites and databases of the Law Society. To fulfil the Law Society's mandate, it is essential to ensure that our organization is supported by current business applications. This year, we renewed our IS strategy with four main focuses:

- green computing and paper reduction, through Project Evergreen and the availability of more reports online
- greater user access to information to increase staff efficiency and effectiveness
- modernization of older applications to ensure they continue to operate effectively
- enhanced security to ensure the protection of confidential information.

New systems and major enhancements

With the focus on reducing Law Society office space requirements, technical infrastructure was upgraded to support the tele-commuting program so that staff have remote and home office working options. The Member Portal project is now in full gear and, starting mid-2010, will enable lawyers and paralegals to access and update personal information by submitting the Change of Information form online. This project is the culmination of years of discussion and planning, and represents an exciting new service delivery vehicle for the Law Society.

Core systems were significantly enhanced by the introduction of iLAWS, a new system to manage law students through the licensing process, from initial application through to exam writing, articling and call to the bar. The Articling Registry was implemented in June.

We continue to refresh our technology infrastructure. The disaster recovery site was upgraded with new equipment to replace aging technology that was no longer suitable for our growing needs. We are implementing a server virtualization strategy to increase capacity and flexibility, while reducing the number of physical servers, making more effective use of limited space, and reducing energy consumption.

E-filing Lawyer and Paralegal Annual Reports

As part of our commitment to reduce paper, we successfully implemented a new e-filing system for both the Lawyer and Paralegal Annual Reports. Lawyers have had the option to e-file for several years, and last year, over 70 per cent of all reports were filed electronically. Lawyers and licensed paralegals have been sent emails with links to e-filing web pages to encourage members to take up this environmentally friendly option.

Project Evergreen

We continued to implement Project Evergreen, a program to replace outdated desktop, laptop and server computers with more energy efficient models, saving overall costs to the organization. Through the recycling and disposal policy, the Law Society has either donated old computers to charities, or disposed of them in an environmentally friendly manner.

Regulatory compliance

IS has taken a leadership role in ensuring that the Law Society complies with current regulations with respect to our credit and debit card processes; the *Accessibility for Ontarians with Disabilities Act* Information and Communications Standard; and the upcoming Harmonized Sales Tax implementation.

Website development

IS has lead a cross-organization team in the selection of a new web content management system, with implementation of the system to take place in 2010. Once complete, this will provide greater capability and capacity to deliver more content and in newer ways through the public websites.

Developing employee excellence

Professionalism is fundamental

We believe in the importance of a thriving workplace that establishes the Law Society as an employer of choice, and ensures that we can provide high quality, professional service to the public, lawyers and paralegals.

Greater Toronto's Top Employers

October 2009 marked the fourth year the Law Society had been named one of Greater Toronto's Top Employers, and the seventh year as a Top Employer. In a marketplace where talent recruitment and retention are essential to the Law Society's success, this designation recognizes the Law Society as one of Greater Toronto's exceptional places to work. Being publicly recognized as an industry leader is an important validation of Law Society efforts to employ best human resources practices.

People strategy – the Leadership Edge Program

Strong effective leadership is an important part of the Law Society's culture, and leadership development is about enhancing the Law Society's performance and increasing professionalism. It's also about exposing managers to new ideas and talking about what

leadership means at the Law Society. With this in mind, Human Resources continues to provide managers with new tools to reinforce the strong leadership culture in our work environment.

In 2009, the third Leadership *Edge* Program (LEP) was delivered by the Rotman School of Management at the University of Toronto. The program comprises four modules delivered over eight months, and covers topics as diverse as consensus building, decision-making, change leadership and strategic thinking. A total of 45 managers from across the Law Society have graduated from the program, ready to incorporate the training into the workplace.

The LEP is Canada's only executive program for managers in regulatory organizations, and as such drew interest from other regulatory bodies in Ontario, leading to two additional regulators joining the program in 2009.

Human Resources believes that outstanding leaders within the organization bring increased professionalism to their work – and that helping these leaders develop themselves to their full potential will in turn help the Law Society to achieve its vision to be a 'best in class' regulator.



Managing our financial resources

During 2009, the Finance Department developed an improved financial reporting structure as it relates to the Law Society's operations. Working with Lawyers' Professional Indemnity Company (LAWPRO) and our auditors, the department has implemented an entity-wide approach that combines the financial reporting for the General, Compensation and the Errors and Omissions Insurance (E&O) Funds, in a single set of annual financial statements.

We are confident this approach will improve the reporting of operational results, both for Convocation and members, and enhance their understanding of the full scope of Law Society operations.

Since 1996, the Law Society's E&O Fund has been included with LAWPRO's financial results and reported as the Combined Errors and Omissions Insurance Fund. That reporting structure has also ceased and LAWPRO will now report on the results of its own operations only.

LAWPRO continues the day-to-day management of the E&O Fund under the terms of a management services agreement, but governance of the E&O Fund will remain with the Law Society. Monitoring of operational results will be conducted through regular reporting to the Law Society's Audit Committee.

The Law Society's other non-consolidated subsidiary, LibraryCo Inc., produces its own annual financial statements.

Results of 2009 operations – General Fund

The General Fund, which is the fund that reports on operations, had a deficit of \$903,000 in 2009 (2008: surplus of \$1.5 million). The financial plan, as represented by the 2009 budget, anticipated a deficit of \$4.9 million to be funded by a transfer of surplus investment income from the E&O Fund, a transfer from the Working Capital Reserve and the utilization of a portion of the General Fund balance. The actual results of operations in the General Fund avoided the need to

transfer funds from the Working Capital Reserve or draw on the Fund's accumulated balance. The E&O Fund's surplus investment income of \$2 million was transferred during the year.

Several operational areas completed the year with large savings in anticipated spending. The Professional Regulation Division experienced major cost savings on expenditures for outside counsel, expert witnesses and cost awards. These contributed approximately \$1.2 million towards the lower deficit. Professional Development & Competence expenditures for the lawyer licensing process and continuing legal education combined to provide approximately \$575,000 in savings on anticipated spending. The third major area of savings was for bencher and Convocation-related expenses, where a reduction in the number of committee and Convocation days contributed to savings of \$430,000.

Results of 2009 operations – Compensation Fund

The Compensation Fund is maintained to mitigate losses sustained by a client as a consequence of a lawyer's or paralegal's dishonesty. The balance in the Compensation Fund stands at \$20.8 million, after a surplus of \$1.4 million in 2009, compared to a deficit of \$2 million in 2008. The swing from deficit to surplus was based primarily on improved investment results and improved grants experience. The current fund balance is regarded as appropriate to meet the Compensation Fund's needs.

Results of 2009 operations – E&O Fund

The E&O Fund accounts for insurance-related transactions between LAWPRO, the Law Society and insured lawyers. The E&O Fund collects premiums and levies from lawyers and remits these amounts to LAWPRO.

Premiums remitted to LAWPRO have increased from \$78.8 million in 2008 to \$95.1 million in 2009 due, in large measure, to the retrospective premium provisions under the insurance policy between the Law Society and LAWPRO. To the extent underwriting results vary from the approved program, additional premiums are charged or premium refunds are made. Under these provisions, LAWPRO made retrospective premium assessments totalling \$13.6 million for 2009 (2008: refunded \$1.4 million). The 2009 amount

includes \$10.5 million arising from the pending implementation of Harmonized Sales Tax in Ontario effective July 1, 2010 and \$3.1 million due to unfavourable underwriting results.

Results of 2009 operations – County Libraries Fund

Funding to LibraryCo Inc. for county libraries totalled \$7.4 million (2008: \$7.7 million). The decrease is primarily attributable to the reduction in LibraryCo expenditures on electronic products, as the menu for these products has been rationalized based on the research needs of lawyers.

The Finance Department continues to provide financial services to LibraryCo through the administrative services agreement that includes preparation of financial reports, development of the annual budget and administrative assistance to county associations on financial matters.

Ontario lawyers also support the Great Library and the Canadian Legal Information Institute (CanLII) through their Law Society annual fees.

Parental Leave Assistance Program

The Finance Department began administration of the Parental Leave Assistance Program in March 2009. The three-year pilot program is designed to assist lawyers, in practices of five or fewer lawyers, to maintain their practices after the birth or adoption of a child. Under the program, the Law Society provides a fixed sum of \$750 per week to eligible applicants for up to 12 weeks. Benefit payments totalling \$377,000 were paid to 51 successful applicants in 2009.

Investment policies

The Finance Department developed recommendations for changes to the investment policies for all Law Society funds to reflect a conservative approach to asset allocation between fixed income and equities and fluctuations in the value of the Canadian dollar. The investment policy now restricts investments to Canadian equities and Canadian fixed income products.

At December 31, 2009, long-term investments totalled \$81.8 million and short-term investments totalled \$18.4 million. Total investment income for the year was \$7.1 million compared to \$2.6 million in 2008. Investment performance was stronger than budgeted as financial markets improved in 2009. With the strengthening of the Canadian dollar, the transition away from US-dollar denominated equities had a favourable impact on investment returns.

Overall annual fees and premiums

The Law Society's General Fund and Compensation Fund are primarily funded by lawyers and paralegals paying annual fees as set out below. Lawyers also fund the operations of the County and District Law Libraries under the administration of

LibraryCo Inc. and the compulsory professional liability insurance program via the E&O Fund.

In October 2009, Convocation approved the 2010 budgets for lawyers and paralegals, and in September 2009, Convocation approved LAWPRO's report for the 2010 insurance year resulting in the following fees and premiums:

Lawyers Annual Fee	2008	2009	2010
General	\$ 1,143	\$ 1,212	\$ 1,211
County Library	235	220	203
Compensation Fund	200	226	257
Capital	75	45	65
Base Insurance Premium	2,300	2,450	2,950
Total	\$ 3,953	\$ 4,153	\$ 4,686

Paralegals Annual Fee	2008	2009	2010
General	\$ 625	\$ 710	\$ 685
Compensation Fund	145	145	183
Capital	75	45	65
Total	\$ 845	\$ 900	\$ 933

Law Society membership numbers continue to increase. In 2009, there was a net increase of 1,115 lawyers, bringing the total number of lawyer members to 40,979. In 2009, there was a net increase of 435 paralegals, bringing the total number of licensed paralegals to 2,718.

Looking ahead

The Law Society has been able to maintain a strong financial position over the past ten years, strengthening its regulatory processes and enhancing supports to the profession, particularly small firms and sole practitioners, while maintaining relatively stable annual fees. In fact, the annual fee for lawyers in 2010 is 2.6 per cent lower than the annual fee in 2001.

The 2010 budget focuses on the organization's core responsibilities of professional regulation, professional development and competence and policy development. The challenges addressed in the budget include increased regulatory volumes, expanded practice audit programs and the uncertain economic climate confronting practitioners as well as the Law Society.



Convocation Membership

NEW BENCHERS

Lawrence Eustace was elected a bencher on September 24, 2009 as a result of the resignation of Melaine Aitken.

Carl Fleck was elected a bencher on September 24, 2009 as a result of the resignation of Joanne St. Lewis.

Abdul Chahbar, appointed bencher, resigned on October 14, 2009 as a result of his appointment as Justice of the Peace of the Ontario Court of Justice for West Region.



BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

TREASURER

W. A. Derry Millar

ELECTED BENCHERS

Bob Aaron

Raj Anand, LSM

Constance Backhouse,
C.M., O.Ont., LSM

Larry Banack

Jack Braithwaite

Christopher D. Bredt

John A. Campion

James R. Caskey, Q.C.

Thomas G. Conway

Marshall A. Crowe, LSM

Mary Louise Dickson,
O.Ont., Q.C.

Lawrence Alexander Eustace

Carl E. Fleck, Q.C.

Avvy Yao-Yao Go

Alan D. Gold

Gary Lloyd Gottlieb, Q.C.

Glenn Hainey

Jennifer A. Halajian

Susan M. Hare

Carol Hartman

Thomas G. Heintzman,
O.C., Q.C.

Paul J. Henderson

The Hon. Doug Lewis,
F.C.A., Q.C., P.C.

Susan T. McGrath

Janet E. Minor

Laurie H. Pawlitzka

Julian Porter, Q.C.

Judith M. Potter

Nicholas John Pustina, Q.C.

Heather Joy Ross

Linda R. Rothstein, LSM

Clayton Ruby, C.M.

Mark Sandler

Paul B. Schabas

Alan G. Silverstein

William J. Simpson,
Q.C., LSM

Gerald A. Swaye, Q.C., C.S.

Beth Symes, LSM

Bonnie A. Tough

Bradley H. Wright

APPOINTED BENCHERS

Marion Boyd

S. M. Aslam Daud

Seymour Epstein

Dow Marmur

Jack Rabinovitch

Baljit Sikand

Catherine Strosberg

PARALEGAL BENCHERS

W. Paul Dray

Brian J. Lawrie

EX-OFFICIO BENCHERS

The Hon. Christopher Bentley

Michael J. Bryant

The Hon. W. Dan Chilcott,
Q.C.

John T. Clement, Q.C.

Austin M. Cooper, Q.C.

Paul Copeland

E. Susan Elliott, LSM

Abraham Feinstein, Q.C., LSM

Neil Finkelstein

The Hon. James M. Flaherty,
P.C., MP

Patrick Garret Furlong,
Q.C., LSM

The Hon. John D. Ground, Q.C.

Howard G. Hampton, MPP

Charles A. Harnick, Q.C., LSM

George D. Hunter

Vern Krishna, C.M., Q.C., FRSC

Laura L. Legge, O.Ont., Q.C.

Gavin MacKenzie

Ronald D. Manes

The Hon. R. Roy McMurtry,
O.C., O.Ont., Q.C.

Daniel J. Murphy, Q.C.

Ross W. Murray, Q.C.

Alan W. Pope, Q.C.

The Hon. Sydney L. Robins,
Q.C., LSM

The Hon. Allan M. Rock,
P.C., Q.C.

Arthur R. A. Scace,
C.M., Q.C.

Norm W. Sterling, MPP

Harvey T. Strosberg, Q.C.

Robert C. Topp

J. James Wardlaw, Q.C., LSM

Roger D. Yachetti, Q.C.

David S. Young

HONORARY BENCHERS

His Royal Highness Prince
Charles, The Prince of Wales

The Right Honourable
Margaret Thatcher

The Hon. Lincoln M. Alexander,
Q.C., LSM

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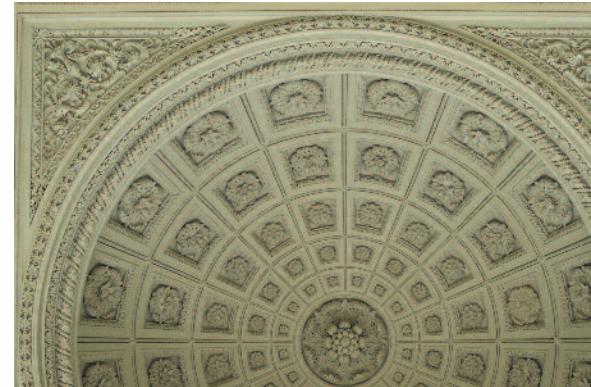
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